# **Notices of Exempt Rulemaking**

# NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

# NOTICE OF EXEMPT RULEMAKING

#### TITLE 19. ALCOHOL, DOG AND HORSE RACING, LOTTERY AND GAMING

#### **CHAPTER 2. ARIZONA RACING COMMISSION**

Editor's Note: The following Notices of Exempt Rulemaking were exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1771.)

[R13-111]

#### **PREAMBLE**

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R19-2-205 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:

Authorizing statute: A.R.S. § 5-104(A)(2), Laws 2012, Ch. 297, § 23 Implementing statute: A.R.S. § 5-104(F), 5-104(R), 5-113.01, 5-230

3. The effective date of the rule and the agency's reason it selected the effective date:

July 1, 2013

4. A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

None

5. The agency's contact person who can answer questions about the rulemaking:

Name: William J. Walsh

Address: Arizona Department of Racing

1110 W. Washington St., Suite 260

Phoenix, AZ 85007

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E-mail: bwalsh@azracing.gov Web site: www.azracing.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

The Department of Racing is initiating this exempt rulemaking to comply with the requirement that the Department collect fees in an amount to support the Department's mission under the requirements of Laws 2011, Ch. 35, § 10(B).

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

The rules, developed because of legislative action to remove the agency from the general fund, require industry stakeholders to fully fund the operations of the Department in FY 2013 and years thereafter.

#### Arizona Administrative Register / Secretary of State

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10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

None have been received.

- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:
  - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
 Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

None submitted

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

# TITLE 19. ALCOHOL, DOG AND HORSE RACING, LOTTERY AND GAMING

# **CHAPTER 2. ARIZONA RACING COMMISSION**

#### ARTICLE 2. RACING REGULATION FUND

Section

R19-2-205. Regulatory Wagering Assessment of Pari-Mutuel Pools

#### **ARTICLE 2. RACING REGULATION FUND**

# R19-2-205. Regulatory Wagering Assessment of Pari-Mutuel Pools

- A. No change
- **B.** The racing regulation assessment for each racing meeting on all in-state and/or out-of-state, on-track, off-track, live, import and/or export wagers and/or wager types shall be 0.55 0.75 per cent percent beginning January 1, 2013 July 1, 2014.
- C. No change
- **D.** No change